

POOR LEGIBILITY

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DUE TO THE QUALITY OF THE ORIGINAL

893-899 Leong Dr

Owner connected to existing
sanitary sewer lateral on Evandale Avenue
that is owned by the Deli property. Same
lateral that the King of Clubs was originally
connected to before the hotel property cut off
service.

RECEIVED

MAR 22 2002

PUBLIC WORKS

CITY OF MOUNTAIN VIEW

Brad, Whitney, **Gene**Memo to Leonard, Tim Date 3/22/02Memo from C. Shelley Subject Thank You from
King of Clubs

Dear All -

I am forwarding a copy of a thank you note
from the King of Clubs owner George Breaux.
Knowing that thank yous can be rare, and
that all of us worked together to resolve this
issue, I thought you might appreciate that your
efforts have been recognized.

CSB.

King of Clubs
593 Long Dr
Chem**MARK**

OF SANTA CLARA COUNTY, INC.
897 LEONG DRIVE
MOUNTAIN VIEW, CALIFORNIA 94043
(415) 967-5960
(650) 965-6366



Mrs Kelly Emerson
Arist Arist Attorney
500 Carter St
Mtn. View, Ca 94039

Dear Mrs Emerson

Just a quick "thank you" note for granting me
that extension on my Cocktail Lounge, the King
of Clubs. I appreciate that and am very, very
grateful.

Thanks again I wish you the very best in all your
endeavors

Sincerely
George Buehl
King of Clubs
593 Long Dr
Mtn. View, Ca 94043

MAY 2 2002

Shiomoto, Gene

From: Emerson, Shelley
Sent: Monday, October 01, 2001 3:04 PM
To: Piffero, Vivian; Ahl, Dee; Bayer, Lance; Quinn, Jannie; Casale, Kelli; Gundersen, Matt
Cc: Shiomoto, Gene; Ko, Tim; Eckhardt, Brad; Martello, Michael
Subject: King of Clubs, Leong Drive--Tickler File

In mid-September I sent a letter to the Breaux', owners of the King of Clubs night club on Leong Drive between Evandale and Fairchild, regarding issues related to the interruption in sewer service due to the adjacent new hotel's construction cutting off the sewer lateral. This occurred about a year ago, last September, 2000.

The K of C sued Mr. Patel, and the parties settled the case with the hotel granting K of C a sewer lateral easement over the hotel property. The easement was essentially useless, however, because the sewer lateral also had to cross the property of the adjacent deli, and the K of C did not have an easement over the deli's property. Subsequent discussions between the K of C and the deli owners were not successful.

Long story short: I sent the Breaux' a letter listing their 3 options regarding the sewer lateral location, and advising them that as of the date of the letter, the 6 month clock for abandoning a pre-existing nonconforming use by non-use started running. For more details ask Viv for the file. Would you all please put this matter in your tickler file for about 6 months, (March, 2002) let me know who will follow up to determine whether they have complied with the code and obtained sewer service? If not, we need to send them a letter advising them that the nonconforming use has been abandoned and is no longer allowed, and further, that no use at all is allowed without a sewer connection....Thx...CSE.

RECEIVED

SEP 24 2001

PUBLIC WORKS CITY OF MOUNTAIN VIEW



Office of the City Attorney • 500 Castro Street • P.O. Box 7540 • Mountain View, California 94039-7540
650-903-6303 • FAX 650-967-4215

September 20, 2001

Mr. & Mrs. Breaux
3137 David Court
Palo Alto, CA 94303
Fax: 650-493-4553

→ File Sewer Applications

Re: Sewer Connection for King of Clubs; 869, 897 and 899 Leong Drive

Dear Mr. & Mrs. Breaux:

The purpose of this letter is to confirm the information we discussed at our meeting on Friday, September 14, 2001, regarding the reconnection of the sewer for the King of Clubs property on Leong Drive and the zoning issue regarding discontinued use of the nightclub.

Sewer Connection

As we discussed, there are three physical solutions for reconnecting the sewer:

(1) Delicatessen: Negotiate or litigate with the owner of the delicatessen for an easement across the rear of the deli property for a connection to the sewer main on Evandale Avenue. Items which may favor this option include: (a) your former sewer line was located here; (b) the hotel property has a recorded easement in this location; and (c) the area is in a rear yard setback which would preclude development by the deli over the

869-899 Leong

Recycled Paper

Mr. & Mrs. Breaux
September 17, 2001
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easement area. Further, theoretically the sewer lateral could be relocated closer to the hotel's property line which would reduce any development impact on the deli property.

(2) Hotel: Renegotiate with the hotel to grant your property a new easement to the north across the hotel's Leong Drive frontage to accommodate a connection to the sewer main in Fairchild Drive.

*3-5 Fairchild
Development*

Items which may favor this option include: (a) you would not need to negotiate with the deli owner; (b) the hotel has filed plans indicating that is where the hotel will connect; and (c) you may be able to co-locate your sewer lateral in the same trench while the hotel is installing its lateral thereby reducing your costs substantially. Further, since the hotel property owner was responsible for causing your property to lose its sewer connection, this would provide a potential resolution which is entirely within the hotel's control.

(3) Extend Sewer Main to Leong: Construct and pay for a sewer main extension across Leong Drive to your property.

This option would be very costly and time consuming, because neither the City nor any other property owners would contribute financially in that there are no other properties on that section of Leong Drive which require the extension for a connection.

Mr. & Mrs. Breaux
September 17, 2001
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A diagram showing the location of the three properties, the existing sewer mains, and the hotel's approved new sewer connection location to the main in Fairchild Drive is enclosed for your reference.

Zoning

As you are aware, your property on Leong is located in the Evandale Planned Community District zoning district, which does not allow a nightclub use. (A copy of the Precise Plan is enclosed) Mountain View City Code Section 36.29.2 (f) (copy enclosed) provides that when an existing, non-conforming use of a building ceases for a period of six (6) months or more, said use shall be considered abandoned, and said building or premise shall thereafter be used only for uses permitted in the district in which it is located.

The City recognizes that the disruption in your nightclub business was not under your control, and that you have taken steps to address the sewer connection issue. However, it has been over one year since the disruption of the business. Under the circumstances, for purposes of Mountain View City Code Section 36.29.2 (f), the City will establish a six month period commencing Monday, September 17, 2001. Accordingly, the sewer must be reconnected and the previous nightclub's use re-established by March 17, 2001, or for zoning purposes, the nightclub use of the building will be deemed to have been abandoned. From that point forward, only uses permitted in the applicable zoning district will be allowed.

Mr. & Mrs. Breaux
September 17, 2001
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As we also discussed, it is highly recommended that you review these matters immediately with your attorney and your engineer. At this point, this is a private matter between adjoining property owners. Please feel free to call if you have questions.

Very truly yours,

A handwritten signature in cursive script that reads "C. Shelley Emerson". The signature is written in dark ink and has a fluid, connected style.

C. Shelley Emerson
Senior Assistant City Attorney

Encl.

cc: Tim Ko, DPWD; Gene Shiomoto, LDE; Leonard Smith, AE; Al Savay, DZA;
Brad Eckhardt, SP; Michael Martello, CA

CITY OF MOUNTAIN VIEW

APPLICATION FOR SEWER SERVICE CONNECTION

APPLICANT: George & Rosemary Breaux PHONE: (650) 494-7510

ADDRESS: 893-897 Leong Drive

A. OFF-SITE FACILITIES FEE (Code Sec. 35.42)

0 square feet @ \$0.0069/Sq. Ft. Acct. No. 225418-43601 (PWSANI) \$ N/A

B. EXISTING FACILITIES FEE (Code Sec. 35.41)

0 linear front feet @ \$48.55/ft. Acct. No. 225418-43601 (PWSANI) \$ N/A

C. SEWER SERVICE INSTALLATION CHARGE (Code Sec. 35.37)

0 4" PVC laterals and two-way cleanout @ \$3,262.00 ea. \$ 0
(by City from main to property line).

0 6" PVC laterals and one-way cleanout @ \$3,443.00 ea. \$ 0
(by City from main to property line).

_____ \$ _____

_____ \$ _____

Total (C) Acct. No. 225418-42911 (PWSWR) \$ 0

TOTAL FEES (A+B+C): \$ 0

For any unusual connection or sewer lateral deeper than 8', applicant will deposit the estimated installation cost at the time of application. By virtue of the signature below, applicant acknowledges the fact that additional billing or refund will be made on said deposit after the actual installation costs have been determined at the completion of the work.

REMARKS: For billing purposes only
(reconnecting to existing 4" PVC lateral)
Contractor will do the work.

Discharge permit (Section 35.32.2) for industrial wastes or polluted water required? ☐ YES ☒ NO

I hereby make application for sewer service connection at the below location.

Signature of Applicant: [Signature]

WHITE—Public Works (Sewer Application File) Order taken by: [Signature] Date: 4/2/01

GREEN—Public Services (Wastewater Division)

YELLOW—Public Services (Wastewater Division)—Return to Public Works (Sewer App. File) When Completed

PINK—Public Works Operations Engineer

GOLD—Public Services (Wastewater Division)—Return to Finance (Revenue Division) When Completed

(Effective Date: August 13, 2000)

PW-114^ (Rev. 7/31/00)

Address of Job: 893-897 Leong Drive